

ILLINOIS COMMERCE COMMISSION

ADMINISTRATIVE LAW JUDGE'S HEARING REPORT

Case No. T05-0020 Type of Case RR Hearing Date 6-21-05

Petitioners ✓

Respondents ✓

Transcript Taken? YES ☐ Continued To _____ or ☒ Heard and Taken

Pleadings and Motions

W⁰

Exhibits Filed

PET. EX A Engineering Plans A
PET. GROUP EX. B Certified Mail Receipts A
PET. GROUP EX. C - Discovery Responses A
PET. EX # 1 - A
STAFF EX # 1 - Photos A

Remarks

APPEARANCES

DANIEL TRACY

SAZDANOFF

BENSON - IDOT

HUMPHRIES - STAFF

WITNESSES

JOHN KUSEK

Send Notice ☐

Administrative Law Judge DWJ

(Administrative Law Judge: No hearing is completed until you have filled out this form in full).

ILL. C. C. DOCKET NO. 705-0020POT Exhibit No. A

McClure Engineering Associates, Inc.

Project: High Street Bridge

MEAI Project No: BU 06-30-04-032

Section No. 01-00008-00-BR

Witness

Date 6-21-05 Reporter LP

ESTIMATE OF COST

Bridge Items					
PAY ITEM	ITEM	QTY	UNIT	UNIT PRICE	EXTENSION
1	Removal of Existing Structure	1	EACH	20,000.00	20,000.00
2	Structure Excavation	370	CU.YD.	20.00	7,400.00
3	Concrete Structures	250	CU.YD.	700.00	175,000.00
4	Concrete Superstructure	40	CU.YD.	850.00	34,000.00
5	Protective Coat	680	SQ.YD.	2.50	1,700.00
6	Precast Prestressed Conc Deck Beams, 33"	6213	SQ.FT.	43.00	267,159.00
7	Reinforcement Bars, Epoxy Coated	14000	POUND	1.80	25,200.00
8	Bit. Coated Aggregate Slope wall, 6"	290	SQ.YD.	100.00	29,000.00
9	Furnishing Steel Piles HP14x73	1800	FOOT	40.00	72,000.00
10	Driving Steel Piles	1800	FOOT	1.00	1,800.00
11	Test Piles Steel HP 14x73	2	EACH	4,500.00	9,000.00
12	Name Plates	1	EACH	300.00	300.00
13	Water Proofing Membrane System	680	SQ.YD.	35.00	23,800.00
14	Bit. Concrete Surface Course, Class I	85	TON	50.00	4,250.00
15	Railroad Protective Liability Insurance	1	L. SUM	3,500.00	3,500.00
16	Flag Men	100	DAYS	500.00	50,000.00
17	Pedestrian Fencing	1360	SQ.FT.	10.00	13,600.00
18	Bridge Railing	175	FOOT	100.00	17,500.00
Subtotal					\$ 755,209.00

Approach Items					
PAY ITEM	ITEM	QTY	UNIT	UNIT PRICE	EXTENSION
19	Tree Removal (Over 15 Units Diameter)	1	UNIT	200.00	200.00
20	Embankment	3220	CU.YD.	7.00	22,540.00
21	Trench Backfill	25	CU.YD.	25.00	625.00
22	Topsoil Furnish and Place, 4"	400	SQ.YD.	3.00	1,200.00
23	Grading and Shaping Ditches	705	FOOT	5.00	3,525.00
24	Hydraulic Seeding	0.109	ACRE	5,000.00	545.00
25	Erosion Control Blanket	34	SQ.YD.	5.00	170.00
26	Erosion Control Fabric	34	SQ.YD.	5.00	170.00
27	Stone Riprap, Class A4	11	SQ.YD.	30.00	330.00
28	Filter Fabric for use with Riprap	11	SQ.YD.	3.00	33.00
29	Aggregate Base Course, Type B 8"	1750	SQ.YD.	8.00	14,000.00
30	Preparation of Base	1750	SQ.YD.	1.00	1,750.00
31	Bituminous Materials (Prime Coat)	525	GALLON	1.75	918.75
32	Leveling Binder (Machine Meth), Mix B, Ty1	150	TON	50.00	7,500.00
33	Bit Conc Surf Crse, Mix C, Class I, Type 1	150	TON	50.00	7,500.00
34	Bituminous Aggregate Mixture	187	SQ.YD.	73.50	13,744.50
35	Combination Conc Curb and Gutter	800	FOOT	15.00	12,000.00
36	Portland Cement Concrete Sidewalk 4 inch	2900	SQ.FT.	4.00	11,600.00
37	Portland Cement Concrete Sidewalk Special	160	SQ.FT.	8.00	1,280.00
38	Driveway Pavement Removal	362	SQ.YD.	15.00	5,430.00
39	Sidewalk Removal	575	SQ.FT.	2.00	1,150.00
40	Aggregate Shoulders, Type A 4"	120	SQ.YD.	10.00	1,200.00
41	Pipe Culvert Removal	10	FOOT	10.00	100.00

42	Furnishing Steel Piles HP14x73	3400	FOOT	40.00	136,000.00
43	Driving Steel Piles	3400	FOOT	1.00	3,400.00
44	Corrugated Metal Pipe 12"	120	FOOT	20.00	2,400.00
45	End Sections 12"	8	EACH	130.00	1,040.00
46	Storm Sewers, Type 1, Class IV 12"	250	FOOT	40.00	10,000.00
47	Catch Basin, Type B	8	EACH	850.00	6,800.00
48	Removing Inlets	2	EACH	500.00	1,000.00
49	Paved Ditch Type A-15	200	FOOT	25.00	5,000.00
50	Steel Plate Beam Guard Rail, Type A	600	FOOT	15.00	9,000.00
51	Traffic Barrier Terminal Type 1B	6	EACH	1,080.00	6,480.00
52	Woven Wire Fence, 4'	150	FOOT	8.00	1,200.00
53	Field Office	12	MONTH	1,200.00	14,400.00
54	Traffic Control and Protection	1	L. SUM	10,000.00	10,000.00
55	Temporary Aggregate Pavement 10"	166	TON	30.00	4,980.00
56	Relocate existing utilities	1	L. SUM	10,000.00	10,000.00
57	Precast Concrete Panels	3275	SQ.FT.	15.00	49,125.00
58	Temporary Easement	1	L.Sum	3,000.00	3,000.00
Subtotal					\$ 381,336.25
Total (Bridge and Approach)					\$ 1,136,545.25
Additional Engineering (redesign per RR)					\$ 12,000.00
Contingency, 15%					170,481.79
TOTAL					\$ 1,319,027.04

Exhibit

A

= Engineering Plans =

SEE FORMAL

FILE

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSIONVILLAGE OF BUDA, BUDA ILLINOIS,
Petitioner,

v.

STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION, and BURLINGTON
NORTHERN SANTA FE RAILROAD
COMPANY,

Respondents.

Petition for authorization to replace the
grade separation structure situated over
BNSF's tracks located approximately
1200' East of Il. Rt. 40 at railroad milepost
116.92 in Buda, Bureau County, Illinois.

Witness

Date

6/21/05

Reporter

UP

No. T 05-0020

**RESPONDENT BNSF RAILWAY COMPANY'S FIRST SET OF INTERROGATORIES
DIRECTED TO PETITIONER**

Now comes respondent, BNSF Railway Company ("BNSF"), by its attorneys Kenneth J. Wysoglad & Associates and pursuant to 83 Illinois Administrative Code, §200.360(c) propounds the following interrogatories to be answered under oath by petitioner within twenty eight (28) days of service hereof:

1. State the full name, business address, title and/or position of the person or persons signing these answers to interrogatories and the name, business address, title or occupation of all persons who were consulted or who provided information in response to any of these said interrogatories.

ANSWER:

John A. Kusek, Project Manager, P.E., P.L.S.
McClure Engineering
1138 Columbus St.
Ottawa, IL 61350

2. State all sources of funding to be utilized by petitioner for all aspects of the High Street overpass reconstruction project as referenced in petitioner's Spetition.

ANSWER:

ICC/Rail Safety Section: 60%

IDOT Major Bridge: \$333,000 (80% of eligible costs for construction and construction equipment after ICC and RR participation)

BNSF RR - \$160,000 + \$11,297.40

See attached letters

3. Has petitioner applied for federal aid funding for any portion of the cost associated with replacement or reconstruction of the High Street overpass structure as referenced in petitioner's petition. If yes, please state:
- a. When application for federal aid funding was made by petitioner or on petitioner's behalf;
 - b. Whether any such federal aid funding application has been approved;
 - c. If any such federal aid funding applicaiton has not been approved, please state the status of such federal aid funding application.

ANSWER:

We have not applied specifically for any federal aid funding. However the Illinois Major Bridge Program utilizes federal Bridge Replacement and Rehabilitation Fund.

KENNETH J. WYSOGLAD & ASSOCIATES



Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
BNSF Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

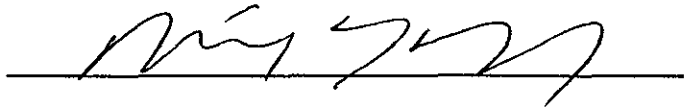
PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 12 day of APRIL, 2005 he caused to be served, a true and correct copy of **BNSF'S FIRST SET OF INTERROGATORIES DIRECTED TO PETITIONER** upon:

Mr. Daniel F. Tracy
Angel, Isaacson & Tracy
111 Park Avenue East
Princeton, Illinois 61356

Mr. Victor Modeer
Director Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 300
Springfield, IL 62764

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

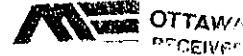


BNSF

CHERYL L. TOWNLIAN
Manager of Public Projects

Burlington Northern Santa Fe

3253 E. Chestnut Expressway
Springfield, MO 65802
Phone (417) 829-4954
Fax (417) 829-4998



JAN 27 2004

January 22, 2004

Jack A. Kusek, P.E., P.L.S.
McClure Engineering Associates, Inc.
1138 Columbus Street
Ottawa, IL 61350

Re: Village of Buda
Replacement of the High Street Bridge over the BNSF RR

Dear Mr. Kusek,

BNSF has reviewed the above project for possible funding by the railroad and BNSF is agreeable to making a contribution toward the replacement of this structure. BNSF is willing to contribute a sum up to \$160,000.00 toward this project (this is a not to exceed amount). Based on the revised estimate this should basically cover the remaining cost of this project after ICC and IDOT contributions are made.

If this is agreeable to the Village of Buda, I will begin preparing the Construction and Maintenance agreement so that it can be presented to the Illinois Commerce Commission at the time of Hearing.

If you could please let me know the City's position on this proposal I would appreciate it.

If you should have any questions concerning this matter or wish to discuss it further, please feel free to contact me.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Cheryl Townlian".

Cheryl Townlian

Cc: Mike Stead - ICC
Laura Connelly - IDOT

STATE OF ILLINOIS



OTAWA
RECEIVED
OCT 21 2003

ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

October 17, 2003

Mr. John A. Kusek, P.E.
Village Engineer
Village of Buda
1138 Columbus Street
Ottawa, IL 61350

Dear Mr. Kusek:

This office is beginning the planning process for the Illinois Commerce Commission's Crossing Safety Improvement Program Plan (Plan) for FY 2005-2009. As part of that process, we need to determine the status of those projects included in the FY 2005-8 portion of our present FY 2004-8 Plan. The list of projects in this category includes Buda's proposed grade separation project to replace the existing bridge carrying High Street over the tracks of the Burlington Northern Santa Fe Railway Company, in Buda.

We anticipate a Commission Order being entered for this project in FY 2005 (after July 1, 2004). Our current information shows the estimated cost of this project to be \$1,040,000. We have programmed Grade Crossing Protection Fund (Fund) assistance in the amount of \$624,000 for this project, which represents 60% of the estimated project cost to date. We allocated all of the anticipated Fund assistance in FY 2005.

No later than **November 21, 2003**, please provide this office with a current status report for the High Street bridge project, including the most recent project schedule and estimated project cost. A large portion of our programming process for the FY 2005-2009 Plan depends on the continuing coordination of projects listed in the FY 2004-8 Plan.

Thank you for your prompt attention to this matter. If you have any questions, or need additional information, please contact Chuck Broers, Senior Rail Safety Specialist, at (217) 785-8424 or cbroers@icc.state.il.us.

Very truly yours,

Michael E. Stead
Rail Safety Program Administrator

CB



Illinois Department of Transportation

Office of the Secretary
2300 South Dirksen Parkway / Springfield, Illinois / 62764
Telephone 217/782-5597

May 25, 2000

JUN - 8 2000

Honorable Mark Graves
Village Board President
Box 365
Buda, IL 61314

Dear Village Board President Graves:

Thank you for your request for FY 2005 Major Bridge Program funding for replacement of the High Street Bridge over the BNSF Railroad in Buda in Bureau County.

We are pleased to inform you that \$333,000 (80 percent of the eligible costs for construction and construction engineering after anticipated Illinois Commerce Commission and railroad participation) of Major Bridge Program funds for replacement of the High Street Bridge has been approved for funding during FY 2005.

The Illinois Major Bridge Program utilizes federal Bridge Replacement and Rehabilitation Program funds and will follow procedures required for that program. We are looking forward to providing financial assistance toward the eligible bridge construction and construction engineering costs for this project. Financial assistance from this program shall not exceed the amount shown and must be matched with 20 percent local funds.

Please contact Mr. Jason Nelson in our District Two office at 819 Depot Ave., Dixon, Illinois 61350-0697 (217/284-5380) for assistance in preparing the joint agreement. In addition, please keep the district informed regarding the status of this project.

If we can be of assistance in implementing this project, please contact Mr. Darrell McMurray, Bureau Chief of Local Roads and Streets, at 2300 So. Dirksen Parkway, Springfield, Illinois 62764 (217/782-3805).

Sincerely,

JS 6/6/00

Kirk Brown
Secretary

cc: Rep. David Leitch
John Kusek, McClure Engineering Associates, Inc.
Mike Stead, Illinois Commerce Commission

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

VILLAGE OF BUDA, BUDA ILLINOIS,
Petitioner,

v.

**STATE OF ILLINOIS, DEPARTMENT OF
TRANSPORTATION, and BURLINGTON
NORTHERN SANTA FE RAILROAD
COMPANY,**

Respondents.

No. T 05-0020

**Petition for authorization to replace the
grade separation structure situated over
BNSF's tracks located approximately
1200' East of Il. Rt. 40 at railroad milepost
116.92 in Buda, Bureau County, Illinois.**

**BNSF RAILWAY COMPANY'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO PETITIONER**

Now comes respondent, BNSF Railway Company ("BNSF") by its attorneys, Kenneth J. Wysoglad & Associates and pursuant to 83 Illinois Administrative Code, §200.360(c) requests that petitioner, Village of Buda produce within twenty eight (28) days of service hereof the following documents to the offices of Kenneth J. Wysoglad & Associates, 118 S. Clinton Street, Suite 700, Chicago, Illinois 60661:

1. Copies of any and all applications for governmental funding of any type for funding, in whole or in part, any aspect of the High Street overpass reconstruction project as referred to in petitioner's petition.

ANSWER:

See attached documents.

2. Copies of any and all communications, correspondence, internal communications, memorandum or other documents relating to all such governmental funding applications produced in response to production request No. 1 above.

ANSWER:

See attached documents

3. Copies of any and all correspondence, letters, written communications an/or email by or between petitioner and any respondent relating to or referencing all sources of funding available or to be utilized for any and all aspects of the High Street overpass replacement project as referred to in petitioner's petition.

ANSWER:

See attached documents

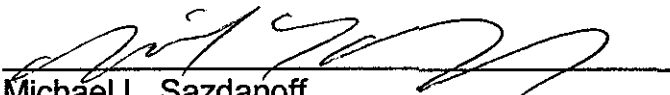
4. Copies of any and all documents reflecting federal aid funding participation for any aspect of the High Street grade separation reconstruction project as referenced in petitioners' petition, including, but not limited to, any federal aid

participation for demolition costs, preliminary or final engineering costs, land acquisition or cost of construction of the new overpass structure.

ANSWER:

See attached documents.

KENNETH J. WYSOGLAD & ASSOCIATES


Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
BNSF Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

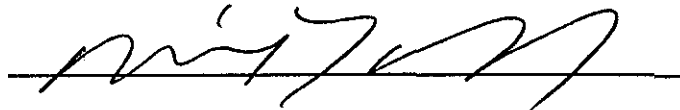
PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 12 day of APRIL, 2005 he caused to be served, a true and correct copy of **BNSF RAILWAY COMPANY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PETITIONER, VILLAGE OF BUDA** upon:

Mr. Daniel F. Tracy
Angel, Isaacson & Tracy
111 Park Avenue East
Princeton, Illinois 61356

Mr. Victor Modeer
Director Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 300
Springfield, IL 62764

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

A handwritten signature in dark ink, appearing to read 'Michael L. Sazdanoff', is written over a horizontal line.



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

June 1, 2005

Bridge Replacement and Rehabilitation Program
Village of Buda
Section 01-00008-00-BR
Washington Street over BN Railway

SN 006-9942

Mr. Joel Van Drew, Village President
Village of Buda
Main Street
P. O. Box 65
Buda, Illinois 61314

Dear Mr. Van Drew:

The bridge condition report for the above-designated project is hereby approved.

One copy of the approved report is being returned to you and to the consultant, McClure Engineering Associates, Inc.

Very truly yours,

Ralph E. Anderson
Engineer of Bridges and Structures

A handwritten signature in dark ink, appearing to read "John A. Morris".

By: John A. Morris *jam*
Engineer of Structural Services

TC/ml4228

cc- McClure Engineering Associates, Inc.

Gregory L. Mounts/Dist. 2/Attn: Jason Nelson

Bureau County Highway Department/Attn: Jeff Peacock



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

RECEIVED
JUN 1 2005

June 1, 2005

Bridge Replacement and Rehabilitation Program
Village of Buda
Section 01-00008-00-BR
Washington Street over BN Railway

SN 006-6600

Mr. Joel Van Drew, Village President
Village of Buda
Main Street
P. O. Box 65
Buda, Illinois 61314

Dear Mr. Van Drew:

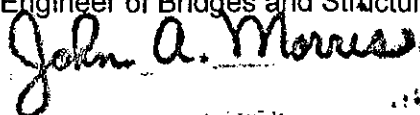
We have finished a review of the proposed structure replacement for the above-designated project. We concur with the proposed improvements and the preliminary bridge design is hereby approved. This concurrence is also based on the structure meeting the required vertical clearance over the railroad tracks. The rail profile was provided for only one set of tracks, the East set of tracks (#1). The consultant indicated in a conversation today that the other two tracks provided at least the same vertical clearance as Track #1.

The final structural plans and specifications for this project may be accepted by the District based on the Structural Engineer's seal, certification and signature, as per BLRS Circular Letter 1992-2. If you have any questions, contact Jim Klein at 217/782-5928 or Tom Cartmel at 217/782-5929.

One copy of the approved report is being returned to you and to the consultant, McClure Engineering Associates, Inc.

Very truly yours,

Ralph E. Anderson
Engineer of Bridges and Structures


By: John A. Morris
Engineer of Structural Services

TC/ml4229

cc- McClure Engineering Associates, Inc.

Gregory L. Mounts/Dist. 2/Attn: Jason T. Nelson

Bureau County Highway Department/Attn: Jeffrey E. Peacock

MAY 31 2005

COPY



Illinois Department of Transportation

Division of Highways / District 2
819 Depot Avenue / Dixon, Illinois / 61021-3500
Telephone 815/284-2271

BRRP
Buda
Section 01-00008-00-BR
Project BR-OS-011(65)
High Street Bridge

May 27, 2005

Mr. Joel Van Drew
Village President
Main Street, Box 65
Buda, IL 61314

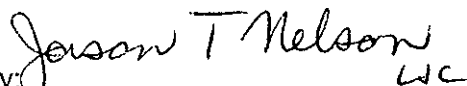
Dear Mr. Van Drew:

The Biological and Cultural Sign-offs for the subject section have been received. In an effort to reduce paper, a Project Overview form will replace the individual sign-off(s). Dates have been entered on this form to indicate "Cleared for Design Approval" and "Cleared for Letting". Please include this sheet as the environmental exhibit or attachment to the Project Development Report.

If you have any questions, call Laura Connolly at 815/284-5388.

Sincerely,

Gregory L. Mounts, P.E.
Deputy Director of Highways
Region Two Engineer

By: 
Jason T. Nelson
District Local Roads Engineer

Encl.
c: Jeff Peacock
McClure Eng. (Jack Kusek)

LJC:kw/bio.cult.signoff

Project Overview

Submittal Date: 04/25/2005 **Sequence No:** 12273
District: 2 **Requesting Agency:** Local **Village of Buda** **Project No:** BROS-011(65)
Contract #: **Job No.:** C-92-082-04
Counties: Bureau
Route: MS 1090 **Marked:**
Street: High Street **Section:** 01-00008-00-BR
Municipality(ies): Buda **Project Length:** 0.2140 km 0.133 miles
FromTo (At): Sta 2+22 to Sta 9+00 over the BNSF RR
Quadrangle: Buda **Township-Range-Section:** T15N R7E SW 1/4 of Sec 34
Anticipated Design Appr.: 09/30/2005 **Anticipated Processing:** CE
Funding: ☒ Federal ☒ State ☐ TBP ☐ MFT ☐ Local Non-MFT

Consultant:
PTB No.: **Item No.:** **PTB Date:** **Prequal Level:**

Sequence No: 12273 Entered By Cleared for DA Cleared for Letting Resubmittal ResubmittalCleared Section: 01-00008-00-BR FromTo (At): Sta 2+22 to Sta 9+00 over the BNSF RR	Biological BDE 5/25/2005 5/25/2005	Wetlands No	Cultural BDE 5/3/2005 5/3/2005	Special Waste
Job No.: C-92-082-04				

Intent	Available		Public Info Meeting(s)		Notice of Public Hearing(s)	Public Hearing(s)	ROD/FONSI
	Local	Federal Register	Set 1	Set 2			
		DEIS	FEIS				

Comments:

Inactive Date: **Change in Anticipated Processing:**

Project Phase Comments:

Jack Kusek**From:** Jack Kusek [j.kusek@mcclureengineering.com]**Sent:** Friday, March 25, 2005 8:14 AM**To:** 'Leemon, Mark S'**Subject:** RE: Buda High St Bridge

Mark,

During that conversation, I thought I mentioned a range of \$7 - \$10,000. At that time however, I did not have the updated cost report in front of me that indicated the time spent during the previous week that included not only the civil time for the approaches, but the structural time for bridge modifications. Sorry for the miscommunication.

-----Original Message-----

From: Leemon, Mark S [mailto:Mark.Leemon@BNSF.com]**Sent:** Wednesday, March 23, 2005 8:50 AM**To:** Jack Kusek**Subject:** RE: Buda High St Bridge

Hi Jack, Per my conversations with Cheryl, I was advised that the estimated amount was for \$7-8,000. Why was the amount so much more?

-----Original Message-----

From: Jack Kusek [mailto:j.kusek@mcclureengineering.com]**Sent:** Wednesday, March 09, 2005 3:29 PM**To:** Leemon, Mark S**Subject:** Buda High St Bridge

Mark,

As I explained during our phone conversation, we received word from Cheryl in early January 2005, that the UP had petitioned for a height change in the up-track clearance which would affect the Buda bridge crossing by an additional 2.5 feet. We were requested at that time to make the necessary adjustments to the High Street bridge and to generate a revised cost for the construction. Just as we were completing that task, I received a second call from Cheryl, to inform me that the UP had rescinded their request and to go back to the original plan, except that the crash wall on the west side should be moved back as previously discussed. The crash wall adjustment increased the center span length, which in turn changed the depth of the concrete deck beams and changed the original profile. All of this work has been completed and we are just finishing the last of the plan view revisions and revised cost estimate. Engineering costs due to these events through February 26, 2005 have amounted to \$11,297.40. In my last conversation with Cheryl, I expressed concern over the additional engineering costs and was told that since the BNSF had ordered the work on behalf of the UP request that the BNSF would pay for these costs. I hope this addresses your request, if not, please do not hesitate to contact me. Also please reply back with your contact information. Thanks

John Kusek

McClure Engineering Associates, Inc.

1138 Columbus Street

Ottawa, Illinois 61350

Ph 815.433.2080

Fax 815.433.5930

Cell 815.343.9014

e-mail j.kusek@mcclureengineering.com

Jack Kusek

From: Leemon, Mark S [Mark.Leemon@BNSF.com]
Sent: Wednesday, March 23, 2005 8:47 AM
To: Kadota, Riley M
Cc: Arndt, Spencer D; Rimmereid, Jerrold J; jkusek@mcclureengineering.com
Subject: RE: Buda, Illinois

Riley, please coordinate with Jack Kusek from McClure Engineering (815-433-2080) regarding possible impacts to the Wagon Bridge project. Please advise of any conflicts. If none, let me know also. Thank You....Mark

-----Original Message-----

From: Leemon, Mark S
Sent: Wednesday, March 09, 2005 2:30 PM
To: Kadota, Riley M
Cc: Arndt, Spencer D; Townlian, Cheryl L; Rimmereid, Jerrold J
Subject: FW: Buda, Illinois

Buda, Illinois
LS1
Mendota Sub

Riley, Attached is a voicemail transcript from RGB. It refers to our structure (MP117.74) over the UP being raised and possibly having our approaches impact the Wagon Bridge (MP 116.92) replacement project. The Village is in the process of arranging funding for this project through the Illinois Commerce Commission.

I would like to coordinate of the engineering of the two projects. Please provide me with the engineering contact for the BNSF/UP project.

Thanks,

Mark Leemon

Manager Public Projects
(763) 782-3468

-----Original Message-----

From: Kaine, Jane D
Sent: Monday, March 07, 2005 1:53 PM
To: Leemon, Mark S
Cc: Arndt, Spencer D
Subject: Buda, Illinois

Mark,
I am attaching the voicemail transcript from Bob Boileau. Please review. I also have created a file and will add a copy of this transcript.

Jane

<< File: Buda, Illinois Wagon Bridge.doc >>

Jack Kusek**From:** Leemon, Mark S [Mark.Leemon@BNSF.com]**Sent:** Wednesday, March 09, 2005 4:13 PM**To:** Jack Kusek**Subject:** RE: Buda High St Bridge

Thanks,

Mark Leemon

Manager Public Projects

BNSF Railway Company

80-44th Avenue NE

Minneapolis, Minnesota 55421

Office: (763) 782-3468

-----Original Message-----

From: Jack Kusek [mailto:j.kusek@mcclureengineering.com]**Sent:** Wednesday, March 09, 2005 3:29 PM**To:** Leemon, Mark S**Subject:** Buda High St Bridge

Mark,

As I explained during our phone conversation, we received word from Cheryl in early January 2005, that the UP had petitioned for a height change in the up-track clearance which would affect the Buda bridge crossing by an additional 2.5 feet. We were requested at that time to make the necessary adjustments to the High Street bridge and to generate a revised cost for the construction. Just as we were completing that task, I received a second call from Cheryl, to inform me that the UP had rescinded their request and to go back to the original plan, except that the crash wall on the west side should be moved back as previously discussed. The crash wall adjustment increased the center span length, which in turn changed the depth of the concrete deck beams and changed the original profile. All of this work has been completed and we are just finishing the last of the plan view revisions and revised cost estimate. Engineering costs due to these events through February 26, 2005 have amounted to \$11,297.40. In my last conversation with Cheryl, I expressed concern over the additional engineering costs and was told that since the BNSF had ordered the work on behalf of the UP request that the BNSF would pay for these costs.

I hope this addresses your request, if not, please do not hesitate to contact me. Also please reply back with your contact information. Thanks

John Kusek

McClure Engineering Associates, Inc.

1138 Columbus Street

Ottawa, Illinois 61350

Ph 815.433.2080

Fax 815.433.5930

Cell 815.343.9014

e-mail j.kusek@mcclureengineering.com



Illinois Department of Transportation

Division of Highways / District 2
819 Depot Avenue / Dixon, Illinois / 61021-3500
Telephone 815/284-2271

FY-05 PROGRAM

Buda

Section 01-00008-00-BR

S.N. 006-9942

March 1, 2004

Mr. Joel Van Drew
Village President
Main Street, Box 365
Buda, IL 61314

Dear Mr. VanDrew:

The above project has been proposed for inclusion in the FY-05 District 2 Local Agency Federal-aid Program.

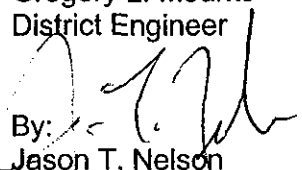
The proposed scheduled letting date for this project is January 21, 2005. In order to make this letting date, the Project Development Report must be sent to our office no later than September 9, 2004. The preliminary plans, specifications and estimates (PS&E) must be sent to our office no later than September 30, 2004. Please notify our office in writing if your agency cannot meet this schedule.

Please be aware that due to fiscal constraints, this project may not be able to be rolled over into the next fiscal year in the event that the project doesn't get let in the scheduled fiscal year.

If you have any questions, call Kevin Donner at 815/284-5389 or Laura Connolly at 815/284-5388.

Sincerely,

Gregory L. Mounts
District Engineer

By: 
Jason T. Nelson
District Local Roads Engineer

c: Field Engineer

KLD:kw/LAFP

Project: High Street Bridge
MEAI Project No: BU 06-30-04-032
Section No. 01-00008-00-BR

ESTIMATE OF COST - March 2005

Bridge Items		Latest revision - 23.6 above exist track line and revised crash wall layout			
PAY ITEM	ITEM	QTY	UNIT	UNIT PRICE	EXTENSION
50100100	Removal of Existing Structure	1	EACH	20,000.00	20,000.00
50200100	Structure Excavation	370	CU.YD.	20.00	7,400.00
50300225	Concrete Structures	250	CU.YD.	700.00	175,000.00
50300255	Concrete Superstructure	40	CU.YD.	850.00	34,000.00
50300300	Protective Coat	680	SQ.YD.	2.50	1,700.00
50400605	Precast Prestressed Conc Deck Beams, 33"	6120	SQ.FT.	45.00	275,400.00
50800205	Reinforcement Bars, Epoxy Coated	14000	POUND	1.80	25,200.00
51100500	Bit. Coated Aggregate Slopewall, 6"	290	SQ.YD.	100.00	29,000.00
51201800	Furnishing Steel Piles HP14x73	1800	FOOT	40.00	72,000.00
51202700	Driving Steel Piles	1800	FOOT	1.00	1,800.00
51203800	Test Piles Steel HP 14x73	2	EACH	4,500.00	9,000.00
51500100	Name Plates	1	EACH	300.00	300.00
58100200	Water Proofing Membrane System	680	SQ.YD.	35.00	23,800.00
AR201610	Bit. Concrete Surface Course, Class I	85	TON	50.00	4,250.00
Z0048665	Railroad Protective Liability Insurance	1	L. SUM	3,500.00	3,500.00
	Flag Men	100	DAYS	500.00	50,000.00
	Pedestrian Fencing	1360	SQ.FT.	10.00	13,600.00
	Bridge Railing	340	FOOT	100.00	34,000.00
				Subtotal	\$ 779,950.00

Approach Items

PAY ITEM	ITEM	QTY	UNIT	UNIT PRICE	EXTENSION
20100210	Tree Removal (Over 15 Units Diameter)	1	UNIT	200.00	200.00
20600310	Embankment	3220	CU.YD.	7.00	22,540.00
20800150	Trench Backfill	25	CU.YD.	25.00	625.00
21101615	Topsoil Furnish and Place, 4"	400	SQ.YD.	3.00	1,200.00
21400100	Grading and Shaping Ditches	705	FOOT	5.00	3,525.00
25000830	Hydraulic Seeding	0.109	ACRE	5,000.00	545.00
25100630	Erosion Control Blanket	34	SQ.YD.	5.00	170.00
25100640	Erosion Control Fabric	34	SQ.YD.	5.00	170.00
28100107	Stone Riprap, Class A4	11	SQ.YD.	30.00	330.00
28200100	Filter Fabric for use with Riprap	11	SQ.YD.	3.00	33.00
35102000	Aggregate Base Course, Type B 8"	1750	SQ.YD.	8.00	14,000.00
40300700	Preparation of Base	1750	SQ.YD.	1.00	1,750.00
40600100	Bituminous Materials (Prime Coat)	525	GALLON	1.75	918.75
40600520	Leveling Binder (Machine Method), Mixture B, Type 1	150	TON	50.00	7,500.00
40600810	Bituminous Concrete Surface Course, Mixture C, Class I, Type 1	150	TON	50.00	7,500.00
	Bituminous Aggregate Mixture	187	SQ.YD.	73.50	13,744.50
	Combination Conc Curb and Gutter	800	FOOT	15.00	12,000.00
42400100	Portland Cement Concrete Sidewalk 4 inch	2900	SQ.FT.	4.00	11,600.00
42400500	Portland Cement Concrete Sidewalk Special	160	SQ.FT.	8.00	1,280.00

44000200	Driveway Pavement Removal	362	SQ.YD.	15.00	5,430.00
44000600	Sidewalk Removal	575	SQ.FT.	2.00	1,150.00
48100300	Aggregate Shoulders, Type A 4"	120	SQ.YD.	10.00	1,200.00
50105220	Pipe Culvert Removal	10	FOOT	10.00	100.00
51201800	Furnishing Steel Piles HP14x73	3400	FOOT	40.00	136,000.00
51202700	Driving Steel Piles	3400	FOOT	1.00	3,400.00
54200637	Pipe Culverts, Type 1, Corrugated Steel or Aluminum Culvert Pipe 12"	120	FOOT	20.00	2,400.00
54213447	End Sections 12"	8	EACH	130.00	1,040.00
55019500	Storm Sewers, Type 1, Reinforced Concrete Culvert, Storm Drain and Sewer Pipe, Class IV 12"	250	FOOT	40.00	10,000.00
60206705	Catch Basin, Type B	8	EACH	850.00	6,800.00
60500060	Removing Inlets	2	EACH	500.00	1,000.00
60615400	Paved Ditch Type A-15	200	FOOT	25.00	5,000.00
63000000	Steel Plate Beam Guard Rail, Type A	600	FOOT	15.00	9,000.00
63100041	Traffic Barrier Terminal Type 1B	6	EACH	1,080.00	6,480.00
66500105	Woven Wire Fence, 4'	150	FOOT	8.00	1,200.00
67000200	Field Office	12	MONTH	1,200.00	14,400.00
70100305	Traffic Control and Protection	1	L. SUM	10,000.00	10,000.00
xx003063	Temporary Aggregate Pavement 10"	166	TON	30.00	4,980.00
	Relocate existing utilities	1	L. SUM	10,000.00	10,000.00
	Precast Concrete Panels	3275	SQ.FT.	15.00	49,125.00
	Temporary Easement	1	L.Sum	3,000.00	3,000.00
				Subtotal	\$ 381,336.25
				Total (Bridge and Approach)	\$ 1,161,286.25
	Additional Engineering				\$ 11,297.00
				Contingency	146,444.00
				TOTAL	\$ 1,319,027.25

BNSF

CHERYL L. TOWNLIAN
Manager of Public Projects

Burlington Northern Santa Fe

3253 E. Chestnut Expressway
Springfield, MO 65802
Phone (417) 829-4954
Fax (417) 829-4998



JAN 27 2004

January 22, 2004

Jack A. Kusek, P.E., P.L.S.
McClure Engineering Associates, Inc.
1138 Columbus Street
Ottawa, IL 61350

Re: Village of Buda
Replacement of the High Street Bridge over the BNSF RR

Dear Mr. Kusek,

BNSF has reviewed the above project for possible funding by the railroad and BNSF is agreeable to making a contribution toward the replacement of this structure. BNSF is willing to contribute a sum up to \$160,000.00 toward this project (this is a not to exceed amount). Based on the revised estimate this should basically cover the remaining cost of this project after ICC and IDOT contributions are made.

If this is agreeable to the Village of Buda, I will begin preparing the Construction and Maintenance agreement so that it can be presented to the Illinois Commerce Commission at the time of Hearing.

If you could please let me know the City's position on this proposal I would appreciate it.

If you should have any questions concerning this matter or wish to discuss it further, please feel free to contact me.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Cheryl Townlian".

Cheryl Townlian

Cc: Mike Stead - ICC
Laura Connelly - IDOT



FILE COPY

Mike Stead
ICC
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 19280

Cheryl Townlian
BNSF
3253 E. Chestnut Exp.
Springfield, MO 65802

Laura Connelly
IDOT
819 Depot St.
Dixon, IL 61021

Jeff Harpring
IDOT Rail Safety Eng.
2300 S. Dirksen Pkwy.
Room 204
Springfield, IL 62764

Date: December 23, 2003

RE: Village of Buda
High Street Bridge Replacement
BU 06-01-02-079

Subject: Detailed Cost Estimate

Please find attached, per our discussion on December 3, 2003, the updated Engineer's Estimate to construct the above referenced project. The preliminary estimate of \$1,040,000 was prepared in 1994 and needed to be adjusted to current construction costs. At this time, on behalf of the Village of Buda, we request that additional fund be approved for this project.

If you have any questions or need any additional information, please do not hesitate to contact me.

Thank you for your assistance. Happy Holidays.

McCLURE ENGINEERING ASSOC., INC.

A handwritten signature in dark ink, reading 'Jack Kusek' with the initials 'BDB' written to the right of the name.

Jack A. Kusek, P.E., P.L.S.

Cc: Village of Buda

JAK/kak
Enclosures

O:\WEB-FILE\BDB\High St Bridge ltr 122203.doc

Buda High Street Bridge Estimate of Cost

Prepared By: Brian D. Brown, P.E.

Checked By: Jack A. Kusek, P.E., P.L.S.

Date Prepared: December 19, 2003

ROADWAY / SITE IMPROVEMENTS

	QUANT.	UNIT	UNIT PRICE	TOTAL
GUARDRAIL	400	FOOT	20.00	8,000.00
GUARDRAIL END TREATMENT	4	EACH	3,000.00	12,000.00
TREE REMOVAL	400	UNIT	30.00	12,000.00
EARTH EXCAVATION	450	C.Y.	4.00	1,800.00
EMBANKMENT	3200	C.Y.	7.00	22,400.00
SEEDING / FERTILIZER	0.5	ACRE	3,000.00	1,500.00
MULCH	0.5	ACRE	2,500.00	1,250.00
SUB-BASE AGGREGATE	600	TON	11.00	6,600.00
AGGREGATE BASE	1000	TON	10.00	10,000.00
BITUMINOUS PRIME COAT	1100	GAL	2.00	2,200.00
LEVEL BINDER	80	TON	45.00	3,600.00
BITUMINOUS BINDER COURSE	400	TON	35.00	14,000.00
BITUMINOUS SURFACE COURSE	230	TON	35.00	8,050.00
CURB & GUTTER	700	FOOT	25.00	17,500.00
SIDEWALK 5"	1800	S.F.	5.00	9,000.00
DRIVEWAY PAVEMENT	180	S.Y.	30.00	5,400.00
STORM SEWERS	500	FOOT	30.00	15,000.00
MANHOLES	2	EACH	1,600.00	3,200.00
INLETS	4	EACH	750.00	3,000.00
END SECTIONS	2	EACH	750.00	1,500.00
TRAFFIC CONTROL	1	L.S.	5,000.00	5,000.00
PAVEMENT MARKING & REFLECTORS	1	L.S.	7,500.00	7,500.00
SIGNAGE	1	L.S.	2,500.00	2,500.00
				173,000.00

BRIDGE IMPROVEMENTS

	QUANT.	UNIT	UNIT PRICE	TOTAL
STRUCTURE REMOVAL	1	EACH	30,000.00	30,000.00
RIP RAP	400	S.Y.	50.00	20,000.00
SCUPPERS	4	EACH	1,500.00	6,000.00
APPROACH PAVEMENT	280	S.Y.	150.00	42,000.00
PROTECTIVE PEDESTRIAN FENCE	300	FOOT	50.00	15,000.00
STRUCTURE EXCAVATION	200	C.Y.	16.00	3,200.00
CONCRETE STRUCTURE	150	C.Y.	500.00	75,000.00
CONCRETE SUPER-STRUCTURE	275	C.Y.	600.00	165,000.00
F & E STRUCTURAL STEEL	1	L.S.	150,000.00	150,000.00
REINFORCEMENT BARS W/ EPOXY	6000	POUND	2.60	15,600.00
FURN., DRIVE & FILL MET PILE SHELLS	2000	FOOT	50.00	100,000.00
CLASS SI CONCRETE ENCASEMENT	25	C.Y.	750.00	18,750.00
				640,550.00

MISCELLANEOUS

	QUANT.	UNIT	UNIT PRICE	TOTAL
CONSTRUCTION LAYOUT	1	L.S.	25,000.00	25,000.00
RAILROAD PROTECTIVE LIABILITY	1	L.S.	5,000.00	5,000.00
FURN. & ERECT ROW MARKERS	12	EACH	150.00	1,800.00
ENGINEER FIELD OFFICE	18	MONTH	1,500.00	27,000.00
FLAGMAN	60	DAY	500.00	30,000.00
UTILITY RELOCATION	1	L.S.	25,000.00	25,000.00
ROW ACQUISITION & EASEMENTS	1	L.S.	25,000.00	25,000.00
EROSION CONTROL	1	L.S.	5,000.00	5,000.00
MOBILIZATION	1	L.S.	20,000.00	20,000.00
				163,800.00

TOTAL ANTICIPATED CONSTRUCTION COST	977,350.00
CONTINGENCIES (10%)	97,735.00
PHASE 1 ENGINEERING (4%)	43,003.40
PHASE 2 ENGINEERING (6%)	64,505.10
PHASE 3 ENGINEERING (8-10%)	96,757.65
TOTAL ANTICIPATED PROJECT COST	1,279,351.15

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

December 19, 2003

DEC 22 2003
OTTAWA

Mr. John A. Kusek, P.E.
Village Engineer
Village of Buda
1138 Columbus Street
Ottawa, IL 61350

Dear Mr. Kusek:

This letter is a follow up to a letter dated October 17, 2003, regarding the proposed reconstruction of the existing bridge carrying High Street over the tracks of the Burlington Northern Santa Fe Railway Company, in Buda. Presently, this project is listed in the FY 2005-2008 portion of the 5-year Plan of the Crossing Safety Improvement Program (Program) for FY 2004-2008. As we prepare the 5-year Plan for the upcoming FY 2005-2009 Program, we request status reports for programmed grade separation projects to review the progress and viability of the projects and to ensure that the project funding is appropriately programmed.

We anticipate a Commission Order being entered for this project in FY 2005 (after July 1, 2004). Our current information shows the estimated cost of this project to be \$1,040,000. We have programmed Grade Crossing Protection Fund (Fund) assistance in the amount of \$624,000 for this project, which represents 60% of the estimated project cost to date. We allocated all of the anticipated Fund assistance in FY 2005.

No later than **January 15, 2004**, please provide this office with a current status report for the High Street bridge project, including the most recent project schedule and estimated project cost. A large portion of our programming process for the FY 2005-2009 Plan depends on the continuing coordination of projects listed in the FY 2004-8 Plan.

Thank you for your prompt attention to this matter. If you have any questions, or need additional information, please contact Chuck Broers, Senior Rail Safety Specialist, at (217) 785-8424 or cbroers@icc.state.il.us.

Very truly yours,

Michael E. Stead
Rail Safety Program Administrator

CB



Illinois Department of Transportation

Division of Highways / District 2
819 Depot Avenue / Dixon, Illinois / 61021-3500
Telephone 815/284-2271

COPY

McClure

Buda
Major Bridge Funding

December 5, 2003



DEC 08 2003

Mr. Joel Van Drew
Village President
Main Street, Box 365
Buda, IL 61314

Dear Mr. Van Drew:

As a follow-up to our December 3, 2003 meeting concerning your FY-2005 Major Bridge project, we have attached information pertaining to FY-2009 Major Bridge funding.

If additional Major Bridge funding above the current \$333,000 is needed, you may wish to consider sending in an application for FY-2009 funding. Please be aware that this may put off the project until the funding is available.

Applications are to be sent to the District Office by January 1, 2004.

If you have any questions, call Kevin Donner at 815/284-5390.

Sincerely,

Gregory L. Mounts
District Engineer

By:
Jason T. Nelson
District Local Roads Engineer

Attach.

c: Rod Fetterolf
McClure Engineering – Attn: John Kusek w/attachments

KLD:kw